

by the ancient rights and infeftments thereof, into one free barony called the barony of Preston, of which the manor-place of Preston is declared to be the principal messuage; and that one sasine to be taken at the said manor-place, or upon any other part of the ground of the said lands, by delivery of earth and stone of the ground of said lands only, without any other symbol, is and shall be sufficient for the said whole lands and barony, all lying within the constabulary of Haddington, and shire of Edinburgh; together with all right, title or interest, claim of right, property and possession petitory or possessory, which I, my predecessors or authors, heirs or successors, had, have, or anywise may have, claim, or pretend to the aforesaid lands and barony, with the pertinents, or to any part or portion of the same:’ And also certain other subjects particularly described in the said Trust-Disposition and Settlement.

The purposes of the Trust were by said Settlement declared to be the following:—

‘In the first place, for payment and discharge of my funeral expenses, and of all my just and lawful debts and obligations, which shall be resting-owing and undischarged by me at the time of my death, together with the expense of executing the present trust, and denuding themselves thereof.—In the second place, for payment to Jean Schaw, my daughter, presently residing with me at Preston House, the sum of One Thousand Pounds Sterling, and that three days after my death, with interest from the said term of payment until payment thereof;’ together with sundry other Bequests and Legacies in her favour.—In the third place, for payment and security to the several persons hereinafter named, of the respective sums of money and annuities, which the Truster thereby appointed to be paid to them. ‘And, in like manner, for payment and security of the other yearly annuities following, which I hereby appoint to be paid and secured for the use of the Charitable Institutions after-specified, to wit, To the minister and kirk-session of the parish of Prestonpans, for the use of the poor of that parish, an yearly annuity of Forty Shillings Sterling: To the minister and kirk-session of the parish of Tranent, for the use of the poor of that parish, the like yearly annuity of Forty Shillings Sterling: To the ministers and kirk-session of the West Church Parish of Edinburgh, within which parish I was born, an yearly annuity of Five Pounds Sterling, for the use of the poor of that parish: To the Governors and Managers of the Charity Workhouse in Edinburgh, for the use of the poor under their care, an yearly annuity of Ten Pounds Sterling: To the Governors of the Merchant Maiden Hospital, for the use of the objects of that institution, an yearly annuity of Five Pounds Sterling: To the Governors of Watson’s Hospital, a like yearly annuity of Five Pounds Sterling: and to the Governors of the Orphan’s Hospital, a like yearly annuity of Five Pounds Sterling; payable, the said whole annuities last mentioned, at the term of Whitsunday yearly, beginning the first term’s payment at the first term of Whitsunday which shall happen after my death, and so to continue yearly thereafter for ever; but declaring always, that the annuities last mentioned granted to the several charities before specified, are granted by me in the faith and confidence that the Directors of these charities, at least such of them hereafter nominated by me among the number of my trustees, for the purpose after specified, shall accept and attend to the execution of said trust, and that the non-accept-

ance or non-attendance of such Directors to the execution of said trust, shall be a sufficient reason for my other trustees accepting and acting, to withhold and refuse payment of said annuities to the charities or charity, from among the Governors of which the said non-accepting or non-officiating trustees are chosen: And lastly, the foresaid lands and barony of Preston, together with the free residue and remainder of my said whole other heritable and moveable estate before disposed, after fulfilment, or securing the fulfilment of the other purposes of this trust, to be re-disposed and conveyed, as my said trustees, and their quorum, or survivor of them aforesaid, are and shall be, by acceptance of these presents, expressly bound and obliged to denude themselves of, and to re-convey and dispose the same to and in favour of themselves during their lives, and to the other persons following, to wit, the Right Honourable John, Earl of Hyndford, present proprietor of the estate of Prestongrange, or any other the proprietor of the said estate of Prestongrange for the time; Syme, present proprietor of the estate of Northfield, in the neighbourhood of Preston, or any other the proprietor of the said estate of Northfield for the time; the minister of the parish of Prestonpans, and the minister of the parish of Tranent, for the time; the Sheriff-Depute of the shire of Edinburgh, and the Sheriff-Depute of the shire of Haddington, for the time; the Lord Provost, the Eldest Bailie, the Dean of Guild, and Treasurer of the city of Edinburgh, for the time; the Preses and Treasurer of the Merchant Maiden Hospital before mentioned, for the time; the Preses and Treasurer of George Watson’s Hospital, and the Preses and Treasurer of the Orphan’s Hospital, also both before mentioned, for the time; the Principal of the University of Edinburgh, for the time; and the Ministers of the aforesaid parish of West Church of Edinburgh, for the time; and to any other person or persons whom I shall appoint by any writing or note under my hand at any time during my life; declaring any seven of the said persons to be a quorum, the said Alexander Alison, James Balmain, George Fairholme, Alexander Thomson, and Robert Boswell, or at least three of them, while so many are alive, and the last survivors and survivor of them, while able to officiate, being always members of said quorum, and to such of the aforesaid whole persons as shall accept, and to their assignees; and that also, as trustees, and for the special intent and purpose of founding and endowing an hospital or charitable institution for the aliment, clothing, and education of poor boys, and also for binding said boys apprentices, or otherwise setting them out to business, all in the most frugal and sober manner; to be formed the said institution upon such plan, and to be put under such permanent management and regulations, as my said trustees last appointed, or quorum of them aforesaid, shall, after due deliberation and advice, judge best for accomplishing the above purposes. For the establishment and foundation of which institution, and of all regulations and arrangements necessary and proper for communicating and perpetuating the benefit thereof, I do hereby vest my said trustees last mentioned, and their quorum aforesaid, with the most ample and unlimited powers; ratifying hereby and approving of the whole plan, regulations, and arrangements so to be made and established by them, and declaring the same to be as valid, binding, and effectual in every respect, as if made and established by my-